

## REMARKS

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing amendment, claims 1-19, 21-41, and 43-62 are pending in this application with claims 1, 10, 19, 22, 26, 31, 32 and 43 being the independent claims. The Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections.

### *Drawing Objections*

The drawings were objected to under 37 C.F.R. 1.83(a). Specifically, the Examiner asserts that an element of claims 43, 52-57, and 62 is not shown in the drawings. The Applicants respectfully disagree with this assertion.

Claim 43 recites “a touch-screen display having a toolbar portion and a modifiable portion.” Figures 1A and 1B illustrate a screen 110 and a toolbar menu 112. The specification describes that a user can interact with the screen 110 and modify the visual appearance of the screen 110. For example, the “[s]election of icon 201 enables the user to draw with a single pixel width line on screen 110” (see par. [1018]). In another example, “[t]he stamper selection set can include a variety of different objects (e.g., animals) that can be ‘stamped’ onto a scene visible on screen 110” (see par. [1021]).

Accordingly, the elements of claim 43 are illustrated in the figures. The Applicants therefore respectfully request that the drawing objection of claim 43 be withdrawn.

Claims 52-57 and 62 each recite “a printed toolbar.” The specification describes a printed toolbar menu 112 (see par. [1016]), which is illustrated, for example, in figures 1A, 1B, and 2A. Accordingly, the applicants respectfully request that the drawing objection of claims 52-57 and 62 be withdrawn.

***Claim Rejections Under 35 U.S.C. 103 (a)***

Claims 1-19, 21-32, 35-37, 43-51, and 58-61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pub. No. US 2001/0038999 by Hainey (“Hainey”) in view of Microsoft Office Shortcut Bar (“Microsoft Office”).

Claims 33-34 and 38-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hainey in view of Microsoft Office and further in view of Microsoft Paint, copyright 1981-1998 version 4, (“Microsoft Paint”).

Claims 47, 52-57 and 62 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hainey in view of Microsoft Office and further in view of U.S. Patent No. 5,949,408 to Kang et al. (“Kang”).

***Claims 1 and 43 and their Dependent Claims***

Claims 1 and 43 as amended each recite “at least one of the plurality of interactive tools enabling the selection of one of a plurality of activities” and “at least another of the plurality of interactive tools enabling the selection of one of a plurality of characteristics associated with said at least another one of the plurality of interactive tools, said plurality of characteristics configured to vary based on the selection of said one of said plurality of activities.” Neither Hainey nor Microsoft Office disclose or suggest such a device.

Specifically, as the Examiner concedes, Hainey does not disclose having an interactive tool enabling the selection of one of a plurality of activities. Nor does Hainey disclose another interactive tool enabling the selection of a characteristic associated with that interactive tool, where those characteristics are configured to vary based on the selection of an activity. Hainey discloses a hand-held device that provides drawing activities for which the user can perform certain drawing functions on a display of the device. The device includes icons on the display that a user can select with a stylus. The icons can provide further options available within a selected category. Hainey, however does not disclose that the options associated with a an icon can vary depending on a particular activity selection by the user. In other words, the options associated with an icon are always the same.

The Examiner *interprets* the Microsoft Office “customizable shortcut bar” as being capable of certain elements recited in several claims, including claims 1 and 43. The Examiner, however, provides no explanation as to how Microsoft Office meets the claim limitations, nor provides any support for such assertions. Thus, the Applicants respectfully disagree with the Examiner’s assertions, but has amended claims 1 and 43 to further prosecution.

Microsoft Office discloses tool bars and icons, but does not disclose an interactive tool enabling the selection of a characteristic from a plurality of characteristics associated with that interactive tool, where the plurality of characteristics can vary depending on a selection of an activity. Characteristics associated with tools in Microsoft Office do not vary depending on a particular activity selected by a user. Rather, as with the options in Hainey, characteristics of an icon in Microsoft Office remain the same regardless of the activity. Thus, neither Hainey nor Microsoft Office disclose or suggest a device as recited in claims 1 and 43, as amended.”

Accordingly, for at least this reason Applicants respectfully submit that claims 1 and 43 are patentable. Based at least upon their dependence from claims 1 and 43, claims 2-9, 29-30 and 52 (dependent from claim 1) and claims 44-51 (dependent from claim 43) are also patentable.

#### ***Claim 10 and its Dependent Claims***

Claim 10 has been amended to recite “the first predetermined characteristic of the at least one interactive tool being associated with the drawing activity and the second predetermined characteristic of the at least one interactive tool being associated with the second activity and not the first activity.” Neither Hainey nor Microsoft Office disclose or suggest such a device. Specifically, as the Examiner concedes, Hainey does not disclose interactive tools having predetermined characteristics, where the predetermined characteristic of at least one interactive tool includes a first characteristic associated with the drawing activity and a second characteristic associated with the second activity. The Examiner interprets the customizable shortcut bar of Microsoft Office as “capable of having a plurality of different activities (applications) with different characteristics to be an equivalent to the predetermined characteristics of at least one of the plurality of interactive tools . . . .” The Applicants respectfully disagree with this assertion,

but have amended claim 10 to further prosecution. Neither Hainey nor Microsoft Office disclose or suggest an interactive tool having a first predetermined characteristic associated with a drawing activity, and a second predetermined characteristic associated with the second activity and not the first activity, as recited in claim 10. Rather, the tools within Hainey and Microsoft Office have the same characteristics/options regardless of what activity is selected.

Accordingly, at least for this reason Applicants respectfully submit that claim 10 is patentable. Based at least upon their dependence from claim 10, claims 11-18, and 53 are also patentable.

***Claim 19 and its Dependent Claims***

Claim 19 has been amended to recite “the selected interactive tool being one of available or unavailable based on the selected one activity from a plurality of activities” and “if the state of the interactive tool is available, displaying indicia of a characteristic associated with the selected interactive tool, the plurality of characteristics of the selected interactive tool including a drawing characteristic unique to the selected one of a plurality of activities.” Neither Hainey nor Microsoft Office disclose or suggest such a device.

Specifically, as the Examiner concedes, Hainey does not disclose determining a state of availability for an interactive tool, however, the Examiner interprets the customize button in the tool bar of Microsoft Office “to be an equivalent to determining a state of availability for the interactive tool.” The applicants respectfully disagree with this assertion. Further, as stated above, the Examiner has not explained how Microsoft Office meets the limitations of claim 19. Nevertheless, to further prosecution, the Applicants have amended claim 19 to recite that the selected interactive tool is one of available or unavailable based on the selected activity and the plurality of characteristics of the selected interactive tool includes a drawing characteristic unique to the selected activity. Neither Hainey nor Microsoft Office disclose or suggest such a device. As previously stated, the tools of Hainey and Microsoft Office do not change availability based on a selected activity. Rather, the tools of Hainey and Microsoft Office are the same regardless of the activity. In addition, the tools of Hainey and Microsoft Office do not provide a

drawing characteristic that is unique to a selected activity. Instead, the drawing characteristics available in both Hainey and Microsoft Office are the same regardless of the selected activity.

Accordingly, at least for this reason Applicants respectfully submit that claim 19 is patentable. Based at least upon their dependence from claim 19, claims 21 and 54 are also patentable.

***Claim 22 and its Dependent Claims***

Claim 22 has been amended to recite “determining a first characteristic of a selected interactive tool . . . the first characteristic being configured to interact with the retrieved drawing activity application” and “determining a second characteristic of the selected interactive tool . . . the second characteristic being configured to interact with the retrieved second activity application, and not the first activity application.” Neither Hainey nor Microsoft Office disclose or suggest such a device.

The Examiner interprets the animation gallery of Hainey “to be an equivalent to the retrieving a second activity application . . .” and the “animation of the drawing and the disabling of the icons during animation sequence to be an equivalent to determining a second characteristic of the interactive tool . . .” The Applicants respectfully disagree with this assertion, but have amended claim 22 to further prosecution. Hainey does not disclose or suggest an interactive tool having a first characteristic configured to interact with a drawing activity, and a second characteristic configured to interact with a second activity, and not the drawing activity, as recited in claim 22. As stated above, Hainey discloses icons that have a set of options that are the same regardless of the activity. In other words, an icon in Hainey does not have an option configured to interact with a first activity and another option configured to interact with a second activity and not the first activity. For similar reasons, Microsoft Office also does not disclose or suggest such a device.

Accordingly, at least for this reason Applicants respectfully submit that claim 22 is patentable. Based at least upon their dependence from claim 22, claims 23-25 and 55 are also patentable.

***Claim 26 and its Dependent Claims***

Claim 26 has been amended to recite “said first selectable item including a plurality of drawing activities . . .” and “said interactive tool having at least one characteristic in a first state . . . upon receipt of a selection of a drawing activity from said plurality of drawing activities of said first selectable item . . . determining whether to modify said at least one characteristic of said interactive tool from said first state associated with the first selectable item to a second different state associated with the selection of said first selectable item.” Neither Hainey nor Microsoft Office disclose or suggest such a device.

The Examiner concedes that Hainey does not disclose determining whether to modify a state of a characteristic of an interactive tool from a first state associated with a drawing activity to a second state, but the Examiner interprets the toolbar and the custom button of Microsoft Office to be an equivalent to this limitation. The Applicants respectfully disagree with this interpretation. Further, as stated above, the Examiner has not explained how Microsoft Office meets the claim limitations of claim 26. Nevertheless, the Applicants have amended claim 26 to further prosecution. Neither the device of Hainey nor Microsoft Office disclose determining whether to modify a characteristic of a selectable interactive tool based on a selection of a drawing activity, as recited in claim 26.

Accordingly, at least for this reason Applicants respectfully submit that claim 26 is patentable. Based at least upon their dependence from claim 26, claims 27-28 and 56 are also patentable.

***Claim 31 and its Dependent Claims***

Claim 31 has been amended to recite “the second characteristic being associated with the second drawing activity and not the first drawing activity.” Neither Hainey nor Microsoft Office disclose or suggest such a device. Specifically, Neither Hainey nor Microsoft Office disclose or suggest a device having a first read-only memory with a first drawing activity, a second read-only memory with a second drawing activity and an interactive tool having a first characteristic and a second characteristic where the second characteristic is only associated with the second

drawing activity and not the first drawing activity, as recited in claim 31. As stated above, in both Hainey and Microsoft Office the icons/toolbars do not have a characteristic (or option) that is associated with a first activity and not a second activity. Rather, the characteristics/options of the icons/toolbars of Hainey and Microsoft Office are the same regardless of the activity.

Accordingly, at least for this reason Applicants respectfully submit that claim 31 is patentable. Based at least upon their dependence from claim 31, claims 57-61 are also patentable.

***Claim 32 and its Dependent Claims***

Claim 32 has been amended to recite “each of the plurality of selectable icons being one of activated and inactivated based on an activity selected from a plurality of selectable activities. Neither Hainey nor Microsoft Office disclose or suggest such a device. The Examiner concedes that Hainey does not disclose each of a plurality of selectable icons being one of activated or inactivated based on an activity selection. The Examiner asserts, however, that Microsoft Office discloses this limitation. As stated previously, the Examiner has not provided any explanation as to how Microsoft Office meets this limitation or identified support for this assertion. Microsoft Office does not disclose selectable icons that are either activated or inactivated based on the selection of a particular activity. As stated above, Microsoft Office discloses tools and icons having characteristics that are the same regardless of the activity. Microsoft Office does not disclose that a characteristic of a tool (e.g., being activated or inactivated) varies based on the selection of an activity.

Accordingly, at least for this reason Applicants respectfully submit that claim 32 is patentable. Based at least upon their dependence from claim 32, claims 33-41 and 62 are also patentable.

## CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed or rendered moot. The Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and objections, and that they be withdrawn. The Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

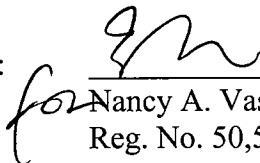
Prompt and favorable consideration of this Amendment is respectfully requested.

Dated: July 24, 2006

COOLEY GODWARD LLP  
ATTN: Patent Group  
The Bowen Building  
875 15<sup>th</sup> Street, NW Suite 800  
Washington, DC 20005-2221  
Tel: (703) 456-8000  
Fax: (202) 842-7899

Respectfully submitted,  
**COOLEY GODWARD LLP**

By:

 Reg. No. 42,887  
for Nancy A. Vashaw  
Reg. No. 50,501